

## LAND SURVEYORS SECTION MEETING

### MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 19, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John R. McAden  
Nancy E. McIntyre  
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation Division  
Kathleen R. Nosbisch, Executive Director  
Marian H. Brooks, Board Administrator  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

No representative was present from the Office of the Attorney General.

Mr. McAden, Chair, called the meeting to order at 9:00 a.m.

#### Call to Order

Mr. McAden advised the section of the emergency evacuation procedures.

#### Emergency Evacuation Procedures

Mr. Stephenson moved to approve the agenda as amended. Ms. McIntyre seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

#### Approval of Agenda

Ms. Nosbisch introduced Gordon Dixon, the new Director of DPOR. Mr. Dixon gave a brief biography and thanked the Section members for their service.

#### Introduction of New DPOR Director – Gordon N. Dixon

**Public Comment Period** – No comments were made to the Section members.

#### Public Comment

Regarding **File number 2010-03683, Mark Schall**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Ms. McIntyre moved to accept the recommendation of the presiding Board member and approve Mr. Schall's surveyor photogrammetrist application. Mr. McAden seconded the motion which was unanimously approved by members: McAden and McIntyre.

**File Number 2010-03683, Mark Schall**

As the presiding Board member, Mr. Stephenson was not present during the discussion or vote.

Mr. Mike Zmuda, VDOT Program Manager - Surveys, and Mr. Gary Brant, VDOT Salem District Survey Manager, were present to address the Section. Mr. Zmuda presented a revised copy of Chapter 12 of the *VDOT Survey Manual* for the Section to review and explained that because the government worker exemption is about to expire, VDOT is making the revision effort in order to comply with the *Code of Virginia* and APELSCIDLA regulations. There have also been questions regarding plating and sealing requirements in the proposed revision.

**VDOT Survey Manual Review**

Section members discussed the manual revisions and provided comment. The Section thanked Mr. Zmuda and Mr. Brant for their efforts on the manual revisions.

The Section was provided the DPOR response to VDOT regarding their signing/sealing implementation discussed at the March 23, 2010, APELSCIDLA Board meeting. At that meeting, representatives from VDOT asked the Board to review their list of documents that require a PE seal and provide. The Board agreed that each section would discuss at their section meetings and bring recommendations to the June 17, 2010, APELSCIDLA Board meeting.

**DPOR Response to VDOT  
Signing/Sealing Implementation**

Ms. Nosbisch presented the recommendations from the Landscape Architect and PE Sections regarding the VDOT list. The LA Section discussed the possibility of three categories of those able to perform work and sign: either by a "licensed professional", a PE or a "qualified, non-licensed professional." The LA's felt several of the items could be performed by a "licensed professional."

The PE Section agreed with VDOT's requirements on a majority of the items, and agreed with the LA Section on their recommended change under "Scheduling and Contracts," to 'Licensed Professional consistent with

original scope of work' instead of solely a PE. After reviewing the document, the LS Section provided their recommendations.

Ms. Nosbisch informed the Section that she would present all of the sections recommendations to the full board for discussion at the June 17, 2010, meeting.

Mr. Chuck Dunlap, LSB and President of the Virginia Association of Surveyors, was present to address the Section regarding the VDOT signing and sealing document and correspondence between himself and VDOT Northern Virginia District. Mr. Dunlap had spoken to the Section at the November 17, 2009, meeting concerning the same matter. The issue was then discussed at the APELSCIDLA Board meeting December 16, 2009. Mr. Dunlap felt that through the correspondence sent to VDOT from the APELSCIDLA Board, the matter had been resolved, and that VDOT would allow a Land Surveyor B to seal documents with incidental engineering work as allowed by §54.1-408 of the *Code of Virginia*. Mr. Dunlap has continued to have plans returned for a PE seal on items listed on their document.

The Section requested Mr. Dunlap provide comment on the VDOT list of items requiring a PE seal for consideration during the discussion at the full board meeting June 17, 2010.

The Section recessed from 10:25 a.m. until 10:40 a.m.

**Recess**

Discussion was held on the acceptance of U.S. citizenship in lieu of taking the TOEFL. Ms. Nosbisch explained that the PE Section had accepted citizenship in the past, as there is an English proficiency portion of the citizenship exam. The Section recommended researching other states requirements before making a board decision. The topic will be discussed at the full board meeting June 17, 2010.

**Citizenship in Lieu  
of TOEFL**

The Section recessed from 10:50 a.m. until 12:05 p.m. for Mr. Stephenson to attend an IFF.

**Recess**

Discussion was held on the April Land Surveyor exam provided by exam vendor Professional Credential Services (PCS). PCS did not contact the Section members for review of the April exam questions. Ms. Nosbisch presented the Section members with correspondence from PCS regarding the issue. Mr. Stephenson recommended requiring PCS to notify Section members of the exam questions a certain number of days prior to the exam. Ms. Nosbisch will inquire as to how the PCS contract is written.

**PCS Exam Issue**

Discussion was held on an email inquiry from a regulant regarding easement plats and the scale not transferring correctly from the CADD file to the printed plat, and whether or not a plat could be recorded that was slightly off scale.

**Discussion  
Regarding  
Easement Plats**

Ms. McIntyre initially responded to the inquiry, stating that “if the LS has contracted to prepare plats, then the drafting/printing accuracy of the drawings could be both a contractual issue and a Library of Virginia’s standards for plats issue.” Ms. McIntyre did not feel it was an APELSCIDLA Board issue, but thought it could be discussed with the Section. The Section concurred with Ms. McIntyre’s response.

Discussion was held on a request from Mr. Russell Miles, L.S., regarding clarification on the requirements for surveys containing more than 2.0 acres of land. Mr. Courtney informed the section that the 1997 change from 5 acres, to 2 acres was due to added expense. Mr. Courtney then referenced an article from the summer 1999 Dimensions newsletter article which discussed this topic:

**Request for  
Interpretation from  
Russell Miles, LS**

Effective October 7, 1997, the Board’s rules and regulations were revised to reduce the acreage that the Minimum Standards and Procedures for House Location Surveys applies to from less than 5 acres to less than 2 acres (18 VAC 10-20-380).

As a result of this change, we have had some questions concerning house location surveys in excess of 2 acres. The members of the Land Surveyor Section have previously discussed whether the minimum standards for a land boundary survey need to be followed when a location of physical improvements survey is performed on a parcel of land containing two or more acres. The Section members previously indicated that the land boundary survey minimum standards do not necessarily need to be complied with when conducting a location of physical improvements survey on a parcel of land containing two or more acres. If in the performance of your services you retrace, establish or re-establish the land boundaries, you must comply with 18 VAC 10-20-370. However, if the land boundaries or a portion of land boundaries shown on the plat are a result of a compilation from deeds or plats, or both, or based on a survey by others, that fact must be clearly stated and the title of the plat shall clearly depict that the plat does not represent a current boundary survey.

However, the Section members also pointed out that such a survey would need to be completed accurately and correctly and in compliance with any applicable standards. Further, the title of, and notes on, the survey plat would also need to accurately reflect the extent and limitations of the work performed. Regardless of any requirements which may be imposed by a specific contractual agreement, the professional is required to perform his or her services in such a manner that cannot be interpreted or construed to be of a lesser quality or quantity than that deemed to be prudent or warranted.

Additionally, if any portion of the physical improvements or land boundaries depicted on the survey have not been determined by an actual field survey than that fact must be clearly indicated and noted on the survey.

The Section agreed by consensus to reiterate the information contained in the article in return correspondence to Mr. Miles.

Ms. Nosbisch informed the Section that a motion was necessary to select a funded delegate for the NCEES Annual Meeting. Mr. Stephenson moved to nominate Ms. Nosbisch as the funded delegate. Ms. McIntyre seconded the motion which was unanimously approved by members: McAden, McIntyre and Stephenson.

**Review of NCEES Topics**

Ms. Nosbisch reported that she has submitted an RFP to the Convention & Visitors Bureaus of Alexandria, Norfolk and Richmond for the 2015 Annual meeting.

The Section was also provided with various memorandums from NCEES including announcements regarding: NCEES candidate ID numbers which will be issued after July 6, 2010; MBA support of computer based testing; and the relocation of the Credential Evaluation Service.

Ms. Nosbisch informed the Section that after receiving the NCEES Annual meeting binder, the Section would meet with the PE Section to review and discuss the proposed NCEES Bylaws that will be voted on at the Annual meeting.

The Section was provided an article from NCEES regarding a four-year degree becoming the standard for surveying licensure.

Ms. McIntyre nominated Mr. Stephenson to serve as Section Chair. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre and Stephenson.

**Election of Section Chair**

Section members were presented with tentative meeting dates for 2011. The Section members did not have any conflicts with the dates as presented, however the Section did agree to change their meeting start time from 9:00 a.m. to 9:30 a.m.

**Consideration of 2011 Meeting Dates**

The Section recessed from 12:50 p.m. until 1:00 p.m.

**Recess**

The Section members were provided copies of the Land Surveyors licensing section of the regulations to review and discuss any changes or clarifications. The Section was also provided a draft copy of the recommendations from the Regulatory Review Committee and a handout from Phil Nester, Virginia Association of Surveyors, with their recommendations, for discussion.

**Regulatory Review**

Ms. Nosbisch informed the Section that the Texas Land Surveyors Board was in search of an Executive Director, if they knew anyone that might be interested.

**Other Business**

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 2:30 p.m.

**Adjourn**

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John McAden, Chair

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Gordon N. Dixon, Secretary